

**County Matter: Waste Disposal**

**East Devon District: Proposed relocation of the EMS Skip Hire and waste transfer facility including the erection of a materials recycling building to accommodate the processing, storing and recycling of general skip waste together with new office accommodation land at Hill Barton Business Park, Clyst St Mary**

**Applicant: A E Stuart & Sons**

**Application No. 16/1582/CM**

**Date Received by County Council: 29 March 2016**

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that planning permission be granted subject to the conditions set out in Appendix II to this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local Member).**

**1. Summary**

- 1.1 This Report relates to a planning application for the relocation of the EMS Skip Hire and waste transfer facility, including the erection of a materials recycling building, to accommodate the processing, storing and recycling of general skip waste and office accommodation.
- 1.2 It is considered that the main material considerations in the determination of this application are an examination of the proposal against relevant planning policy; the impacts on residential amenity in terms of noise and lighting; impact on the highway network; landscape and visual impact of the proposal; and impacts on the historic environment.

**2. Background/Proposal**

- 2.1 Hill Barton Business Park is located approximately 6km to the east of Exeter with vehicular access provided directly from the A3052 Exeter to Sidmouth road. It is a large business complex which includes a recent extension to the land allocated for business and industrial uses at the front of the park. A number of waste operations are carried out at the site including skip hire, waste transfer, a gasification unit, Materials Recycling Facility, In Vessel Composting Plant, and green waste composting.
- 2.2 In 1997 EMS Skip Hire was granted permission (reference 7/09/97/P1153/00061) to operate a waste transfer station at Unit 8 of Hill Barton Business Park and on 18 May 2000 permission was granted (reference 00/P0313) to extend the existing skip hire and waste transfer station.
- 2.3 The applicant has stated that the existing skip hire and waste transfer business has outgrown its current location and cannot accommodate the volumes of waste delivered and processed at the facility.

- 2.4 The proposal consists of a 3,626 square metre waste transfer building with office accommodation measuring 255 square metres. The transfer building will be finished in olive green cladding with a shallow pitched grey roof and steel roller shutter doors. The roof building would be 14 m to its apex. The office building will be a two storey brick built structure with a hipped profile colour coated roof.
- 2.5 The site is proposed to be bounded on three sides by a single sided reflective noise barrier, with the fourth side being secured by the landfill bund. These physical mitigation measures have been proposed to reduce any residual impact from noise of the proposed operations, and to provide secure enclosure of the site.
- 2.6 The proposed acoustic fence would consist of a 2.7m high barrier on the northern and north western boundaries of the site and a 2.4m high barrier on the north-eastern and south-western boundaries.
- 2.7 All waste operations, including tipping, processing and storage of waste, will be contained within the proposed building with the skips themselves being stored within the yard to the north of the proposed building.
- 2.8 Waste processing would involve an initial sorting using a screener with material then going onto a picking line where it would be separated for recycling.
- 2.9 It is understood that the plant will employ up to 65 people, operating on a two shift system, up to 24 hours a day during week days. Night time operations are defined as being between 1800 and 0600 and would take place from Monday through to Friday morning and during this period all operations would take place within the building. Waste collection and skip vehicles housed at the site would leave from 0600 and deliveries arrive from 0730 up until 1700. The proposed days of operation are Monday to Friday and Saturday until 1300. There would be no working on Sundays or Public Holidays.
- 2.10 The applicants own vehicles will enter the main gate and circulate in an anticlockwise route around the site. Other vehicles, making collections and from outside customers will enter in the same way, but exit via the weighbridge. The vast majority of vehicles will use the larger of the two entrances into the building on the south western elevation nearest to the office block and this is where all the tipping will take place. Some vehicles will use the other smaller door on the same elevation, further along the building, and this is where some of the materials will be loaded out.
- 2.11 There will be parking adjacent to the access road and the front of the building with the remainder of the site being hard surfaced to provide space for a yard area and circulation space for HGVs.

### **3. Consultation Responses**

- 3.1 East Devon District Council – Raised no objections to the proposal subject to appropriate conditions to ensure that the amenity of nearby residents is protected.
- 3.2 East Devon District Council - Environmental Health – Raised no objections and were satisfied that if all the recommendations of operational and physical mitigation measures are implemented noise nuisance could be prevented.
- 3.3 Farringdon Parish Council – Object to the proposal on the grounds of cumulative impact resulting from this proposal in conjunction with other, yet to be implemented

permissions at the site. They also raised concerns relating to any additional impacts relating to increased vehicle movements, visual impact, noise, lighting, and lack of landscape screening and noise impact mitigation. Following the re-consultation exercise the Parish Council reiterated these objections and called for the Waste Planning Authority to impose strict noise conditions to protect the amenity of local residents.

- 3.4 Farringdon Residents Association – Object to the proposal on the grounds of the overall cumulative impact of this proposal, and other permissions, yet to be implemented. They stated that there is likely to be a large increase in lorry movements to and from the site and in hot weather the doors are likely to be left open, all resulting in significant noise coming from both internal operations and external lorry movements. There is no mention of screening in place to protect residents to the north and east. Following the re-consultation exercise the residents association reiterated their objections and highlighted their scepticism of the effectiveness and visual impact of the acoustic fencing.
- 3.5 Environment Agency - Consider that planning permission could be granted to the proposed development as submitted subject to planning conditions relating to an investigation for ground contamination and remediation if any contamination is found, prior to the commencement of the development.
- 3.6 Exeter Airport – No objection.
- 3.7 Natural England – No objection.
- 3.8 Historic England – No objection.

#### **4. Advertisement/Representations**

- 4.1 The application has been advertised, and re-consulted upon, in accordance with the statutory publicity requirements and as a result of these procedures a total of 9 letters of objection were received.
- 4.2 The representations are objections based on a number of concerns including the impacts of any additional noise created from the proposal as well as the impacts of site lighting on the properties at Denbow; the cumulative impact on the community of traffic movements, noise and light pollution, dust and odour from the other applications currently unimplemented or not yet approved at Hill Barton; the overall impact on amenity of local residents; the lack of screening and noise impact mitigation; the impact on views from the west of the site.
- 4.3 Objections also raised the issue of the impact of having no doors on the main entrance to the south west elevation but this was addressed by an amendment to the proposal; the inadequacy of the lighting assessment in explaining the lighting scheme but this was addressed through the submission of a detailed lighting impact assessment which proposed improved lighting design to reduce potential impacts; and the impact of the mitigation measures requested in the noise impact statement on the existing bund, but this has now been addressed through the proposal for noise barriers.
- 4.4 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3857/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3857/2016>.

## 5. Planning Policy Considerations

- 5.1 In considering this application, the County Council as Waste Planning Authority is required to have regard to the provisions of the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations, which can include emerging policies, indicate otherwise. In this case, the relevant Development Plan policies are summarised in Appendix I to this Report and are discussed in Section 6 below.

## 6. Comment/Issues

- 6.1 It is considered that the main material considerations in the determination of this application are an examination of the proposal against relevant planning policy; the impacts on residential amenity in terms of noise and lighting; impact on the highway network; landscape and visual impact of the proposal; and impacts on the historic environment.

### Planning Policy Considerations

- 6.2 The National Planning Policy for Waste (October 2014) states, amongst other things, that when determining waste planning applications, waste planning authorities should:

- Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix II and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies; and
- Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

- 6.3 With waste policy in mind, Hill Barton is a well-established industrial estate undertaking a wide range of waste management activities. The application site falls within a wider area which is identified under Policy W6 of the adopted Devon Waste Plan for Energy recovery development. Section 1.2 of the Design and Access Statement submitted as part of this application refers to the proposal as providing a new 'Energy Management Facility'. However, there is no element of energy management, or energy recovery from waste as part of this proposal and should not be considered to fall within this policy.

- 6.4 Policy W6: Energy Recovery of the Devon Waste Plan states that:

1. *Sustainable waste management in Devon will aim to achieve and maintain sufficient capacity to recover energy from all local authority-collected and commercial and industrial waste that cannot be reused or recycled. This will require energy recovery capacity within Devon in accordance with the following targets for annual capacity:*

*by 2016 – up to 154,000 tonnes*

*by 2021 – up to 356,000 tonnes*

*by 2026 – up to 361,000 tonnes*

*by 2031 – up to 377,000 tonnes*

2. *This energy recovery capacity will be achieved through a combination of:*
- (a) retention and enhancement of existing facilities;*
  - (b) implementation of permitted capacity; and*
  - (c) granting of planning permission for additional energy recovery capacity (up to a maximum annual capacity of approximately 80,000 tonnes at any one facility) at one or more of the following strategic locations defined in Appendix B:*

*W6A Brynsworthy Environment Centre  
W6B Tiverton Eastern Urban Extension  
W6C Hill Barton  
W6D Greendale Barton  
W6E Heathfield*

3. *Proposals for energy recovery capacity (up to a maximum annual capacity of approximately 80,000 tonnes at any one facility) other than at locations identified in 2. will be permitted, unless material considerations indicate otherwise, where:*

- (a) it can be demonstrated that adequate capacity cannot be delivered at the strategic sites identified in 2.; or*
- (b) the proposed site is located at or close to the source of the waste being managed, or will achieve a reduction in the distance that waste is transported in comparison with the strategic locations identified in 2.;*  
*Proposals at other locations not identified in 2. must demonstrate how:*
- (c) the proposed site will achieve efficiency in the use of the recovered energy greater than or equivalent to the strategic locations identified in 2.; and*
- (d) the facility will manage waste arising from within Devon unless it can be clearly demonstrated that the proposal represents the most sustainable option for managing waste arising from outside the county.*

4. *All proposals for energy recovery facilities should be supported by sufficient information for Habitats Regulations Assessment of the implications of the proposal, alone or in combination with other plans and projects, on any Natura 2000 site. The conclusions of this assessment must show that the proposal can be delivered without adverse effect on the integrity of any Natura 2000 site.*

5. *All proposals for energy recovery facilities must demonstrate how they will achieve the maximum feasible level of:*

- (a) extraction of reusable and recyclable materials prior to treatment; and*
- (b) efficiency in the use of the energy resource, including heat, consistent with the scale and type of facility; and*
- (c) reuse or recycling of the residual materials remaining after energy recovery.*

- 6.5 It has been necessary to consider whether this proposal may preclude energy recovery development as envisaged through Policy W6 coming forward within the site allocation at Hill Barton, as the proposed development utilises a significant part of the allocated site which is currently undeveloped. It has been concluded that no objection should be raised in relation to this point, due to the allocation covering a much wider part of the industrial estate, which still has vacant plots available which

could be utilised for energy recovery development. In addition, over the course of time, there is likely to be a turnover of uses on specific plots which could also enable other areas within the allocation to become available for energy recovery development. Indeed this proposal is a good example of how this can happen.

6.6 Policy W5: Reuse, Recycling and Materials Recovery, of the Devon Waste Plan states that:

1. *Sustainable waste management in Devon will aim to achieve and maintain sufficient capacity to enable the reuse, recycling or composting of waste in accordance with the following targets:*

	2016	2021	2026	2031
LACW	57%	61%	64%	64%
CIW	58%	60%	62%	64%
CDEW	88%	89%	89%	90%

*Minimum % of waste to be recycled by key plan period dates*

2. *To achieve this capacity, planning permission will be granted for additional facilities enabling preparation for reuse, sorting, transfer, materials recovery, composting and/or recycling of waste, unless material considerations indicate otherwise, where they:*
  - (a) *are located at or close to the source of the waste or opportunities for its beneficial use; and/or*
  - (b) *achieve the segregation of reusable, recyclable or compostable materials prior to energy recovery or disposal of the residual waste; and/or*
  - (c) *are co-located with a complementary waste management operation; and/or*
  - (d) *achieve the recycling of incinerator bottom ash and/or other non-hazardous thermal treatment residues arising within Greater Devon.*

6.7 The proposal meets the relevant requirements (a, b and c) of Policy W5: Reuse, recycling and materials recovery. The proposed development incorporates a 'state of the art recycling plant' which will enable the separation of mixed skip waste for recycling. This process helps to reduce the volumes of waste which are disposed via landfill. Furthermore, the range of other waste management activities on site means there is good potential to integrate waste management processes and reduced transportation.

#### Residential Amenity

6.8 The key concerns of the Parish Council related to the cumulative impact resulting from this proposal in conjunction with other, yet to be implemented, permissions at the site. They also raised concerns relating to the additional impacts relating to increased vehicle movements, visual impact, noise, lighting, and lack of landscape screening and noise impact mitigation, as a result of the proposal.

6.9 With regards to the noise impacts of the proposal and hours of operation, East Devon District Council's Environmental Health officer concluded that they were satisfied that if all the recommendations of operational and physical mitigation measures are implemented noise nuisance shall be prevented. These mitigation measures include;

skip hire vehicle chain guards/covers; roller shutters on all main doors; and additional acoustic barriers around the site.

- 6.10 Following the response received from East Devon's Environmental Health Officer, discussions with the applicant resulted in the submission of an amended plan proposing the installation of shutter doors to the main entrance on the south west elevation. Prior to this amendment no shutter door was proposed with the entrance proposed to be open 24 hours a day. Therefore, this will add an additional barrier to noise from the building during night working but, according to the applicant, is likely to be left open during daytime operations due to the steady flow of skip vehicles entering the building in this period.
- 6.11 Night working currently takes place at the existing skip hire site and it is proposed that night working will still be required at the new site.
- 6.12 The existing plant is currently working 98hrs per week as a minimum and throughout the summer it has been running for 116hrs a week. However, the potential 12.5% increase in processing could see the plant reduce these summer hours to 98 hours per week or approximately 4 nights. As a result the applicant is proposing that the maximum number of nights required to work will be 200 based on a 50 week year at 4 days a week, not including weekends and public holidays.
- 6.13 With regards to the use of any lighting at the site, the proposal did not raise any concerns from East Devon's Environmental Health Department in terms of its impact on residential amenity. The proposed night lighting scheme shows a mix of low level bulkhead lighting, and photocell controlled, shallow angled (10%), dimmable street lighting to reduce the potential for light pollution. The main, day time, lights used for the perimeter of the site, will be operated from 7am to 6pm, but will be controlled by photocells and timers.
- 6.14 Hours for delivery and collection are currently 0700 to 1700 Monday to Friday and 0700 to 1300 on Saturdays. The applicant is proposing that hours of delivery/ collection/lorry movements change slightly to become 0630-1730 Monday to Friday and 0630 to 1300 on Saturdays, with no vehicle movements on Sundays and public holidays.

**Relationship to other consent regimes:**

- 6.15 Paragraph 122 of the National Planning Policy Framework states that "...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively."
- 6.16 The current EMS waste transfer operation already has planning permission and an associated environmental permit (EP) (EPR/BP3898VD) issued by the Environment Agency. The section relating to noise and vibration states that: Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration.

The operator shall:

- a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Environment Agency for approval within the period specified, a noise and vibration management plan;
- b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

- 6.17 The applicant is proposing to transfer the existing permit, through a variation application, to the new site. The EP would therefore manage matters such as noise or any other nuisance from the facility and although the planning system would have regard to general amenity issues, it is a matter for the Environment Agency to manage the EP and to take decisions on what are “reasonable steps” to manage noise and nuisance emanating from the plant.
- 6.18 Whilst the control of noise at waste sites is a matter for the Environmental Permit the applicant has committed to undertake noise monitoring at a number of sensitive locations, over a 4 week period, on at least 7 different working days of the week, over a 24 hour period. Following this period, if any issues relating to noise emanating from operations only associated with the skip hire and waste transfer facility are discovered, the applicant will address these issues, as far as is practically possible, through physical and/ or operational changes.

#### Highways

- 6.19 The vehicles enter and exit the business park via the main entrance off the Sidmouth Road onto Blakemore Way, then take the first right into Stuart Way to the new transfer station. There is no reason why any vehicles should deviate from this route but the applicant has stated that he is able to carry out training with the drivers to ensure they use this route.
- 6.20 Whilst it is accepted that there would be some increase in vehicle numbers and traffic movements to and from the site, it is considered that there is capacity within the local road network to accommodate the additional volumes.
- 6.21 Currently 80-120 vehicles enter the existing skip hire site daily and it is not envisaged that these numbers will increase significantly and potentially could reduce when the power plants come online as more waste will be staying on site. In addition to this it is estimated that internal movements resulting from the skip hire business will reduce by 5-10 movements per day due to not having to move waste between two different plants.

#### Landscape

- 6.22 Whilst initial concerns were raised as to the impact of the originally proposed physical mitigation measures, which included the increase in height of the existing bunds to the west and east of the proposed site, the amendment to replace this proposal with acoustic fencing on the western and eastern boundaries of the waste transfer site would be more sympathetic to the landscape. In addition to this, the applicant has considered the impact of lighting on the surrounding landscape and sought to minimise light pollution using lighting designed and operated to have the least impact on the surrounding landscape.



## Historic Environment

- 6.23 It is considered that the development in question will not have an impact on the setting of the listed buildings within the vicinity such as Denbow Farmhouse, Denbow Thatch and The Thatch due to a combination of existing and proposed screening and the mitigation measures proposed.

## **7. Reasons for Recommendation**

- 7.1 The existing waste facilities at Hill Barton are considered to be well run and the levels of recycling achieved are very good. The increase in demand for skip hire, and subsequent requirement for increased recycling, has resulted in the current facility becoming inadequate in terms of operational capacity. Hill Barton is identified in the current Devon County Waste Local Plan as a significant site for waste management purposes and has delivered a number of sustainable waste operations including inert waste recycling, composting and gasification.
- 7.2 It is considered that the operation of the waste transfer station can be adequately controlled to minimise the impact on nearby residential properties in terms of noise and lighting through the inclusion of conditions as set out below. It is therefore considered that planning permission be granted in accordance with the recommendation to this report.

Dave Black  
Head of Planning, Transportation and Environment

## **Electoral Division: Broadclyst & Whimble**

Local Government Act 1972: List of Background Papers

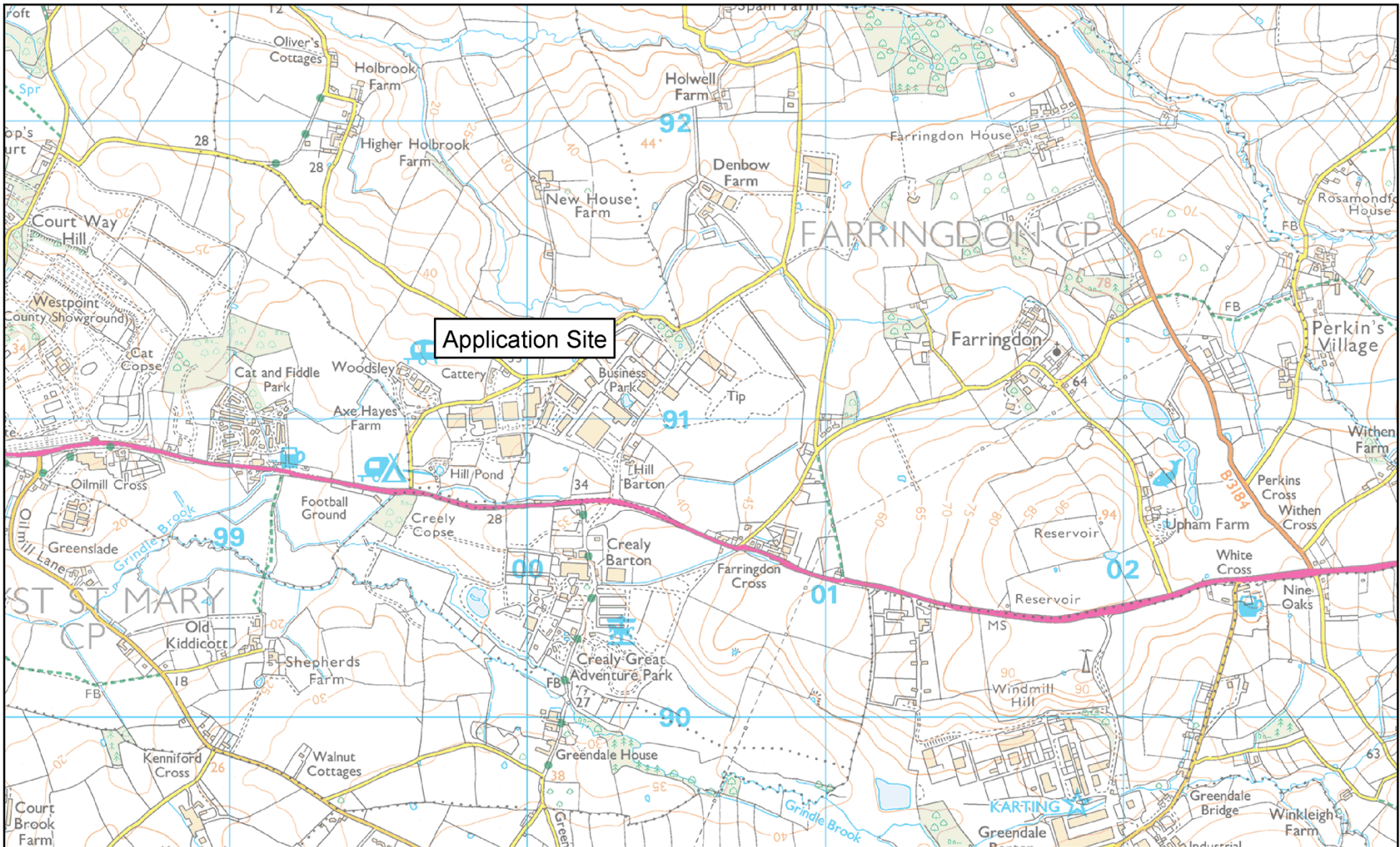
Contact for enquiries: Mike Deaton


Room No. ABG County Hall

Tel No: (01392) 382130

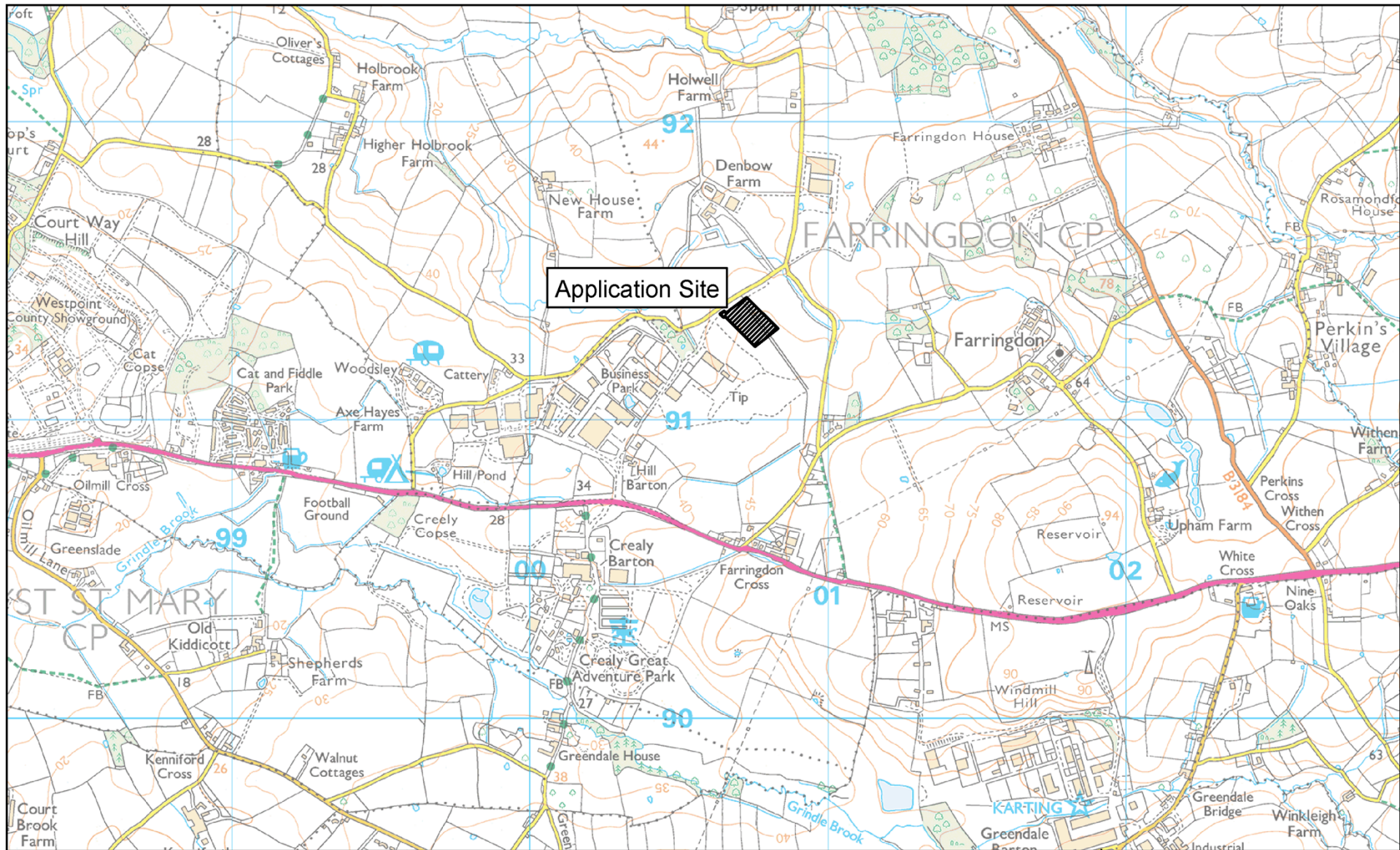
Background Paper	Date	File Ref
1. Casework File	March 2016	DCC/3857/2016

bg280916dma  
sc/cr/relocation ems skip hire waste transfer hill barton clyst st mary  
03 141116




	Head of Planning, Transportation and Environment	Development Management Committee	date November 2016	scale 1:16,217
		County Matter: Waste Disposal East Devon District: Proposed relocation of the EMS Skip Hire and waste transfer facility, including office accommodation, at Hill Barton Business Park, Clyst St Mary © Crown Copyright and database right 2016. Ordnance Survey 100019783		Application No: 16/1582/CM

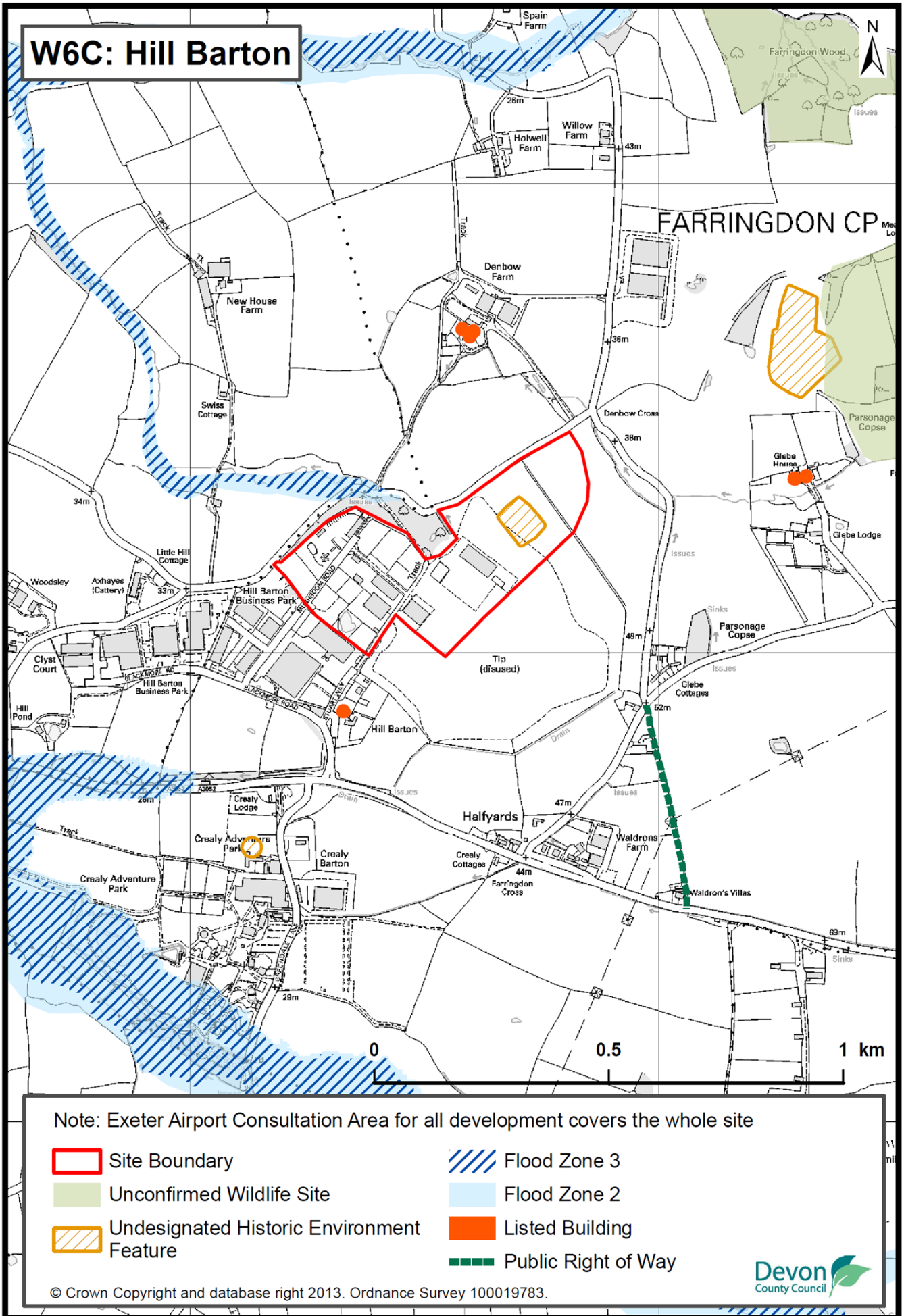




Application Site

	<p>Head of Planning, Transportation and Environment</p>	<p>Development Management Committee</p>	<p>date November 2016</p>	<p>scale 1:16,217</p>
		<p>County Matter: Waste Disposal East Devon District: Proposed relocation of the EMS Skip Hire and waste transfer facility, including office accommodation, at Hill Barton Business Park, Clyst St Mary © Crown Copyright and database right 2016. Ordnance Survey 100019783</p>		<p>Application No: 16/1582/CM</p>

Emerging Waste Plan Area W6C: Hill Barton



**Planning Policies Relevant to the Proposal**

**National Planning Policy Framework (2012)**

**National Planning Policy for Waste (2014)**

**National Planning Policy for Waste (October 2014)**

**Devon Waste Plan (December 2014)**: Policies W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W5 (Reuse, Recycling and Materials Recovery); W6 (Energy Recovery); W6C (Hill Barton); and W18 (Quality of Life).

**Adopted East Devon Local Plan**: Policies: D1 (Design and Local Distinctiveness); D2 (Landscape Requirements); EN14 (Control of Pollution); EN16 (Contaminated Land); TC2 (Accessibility of New Development); TC7 (Adequacy of Road Network and Site Access); TC9 (Parking Provision in New Development); E7 (Extensions to Existing Employment Sites); and Strategy 7 (Development in the Countryside).

**STANDARD COMMENCEMENT**

1. The development shall commence within three years of the date of this permission.

**REASON:** In accordance with Section 91 of the Town and Country Planning Act 1990.

**STRICT ACCORDANCE WITH PLANS/DOCUMENTS**

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and details and recommendations contained within the supporting documents as listed below:

**Plans:**

- 7271-06 REV B (Location Plan);
- 7271-02 REV J (Proposed Site Plan);
- 7271-03 REV D (Office Building Plans & Elevations);
- 7271-04 REV F (Main Building Plans);
- 7271-05 REV F (Main Building Elevation);
- 7271-07 REV A (Site Elevations);
- Appendix A.5 of the Noise Impact Assessment dated January 2016 (5086581.074);

**Supporting Documents:**

- Noise Impact Assessment (REV 01, January 2016, 5086581.074);
- Waste Transfer Station at Hill Barton Business Park, Nr. Exeter Design & Access Statement and Flood Risk Assessment Hill Barton Business Park, Proposed Waste Transfer Station (File no:7271);
- RELUX Light Simulation Tools, Waste Transfer Station (Project Number 20160919-01-DG, Dated 21.09.2016);
- Hill Barton Waste Transfer Station, Flood Risk Assessment and Drainage Strategy (Report Ref. 5086581.074, Rev.01, dated 6th October 2016);
- Preliminary Ecological Appraisal Report Version 001, Dated May 2016;

unless as varied by the conditions below.

**REASON:** To ensure that the development is carried out in accordance with the approved details.

**ECOLOGY**

3. As per Appendix 4, Conservation Action Statement, of the submitted Preliminary Ecological Appraisal Report (Version 001) the following measures and enhancements shall be undertaken:
  - (a) In order to prevent harm to foraging badgers during construction works any trenches left exposed overnight shall have a means of escape for badgers and other wildlife. This will comprise of at least one shallow graded edge or



have an escape plank (width of at least 30 cm) situated at an angle no steeper than 30° to allow a badger to escape.

- (b) In order to provide new purpose designed nesting opportunities for house sparrows and other hole nesting species associated with buildings, the applicant shall, within 4 weeks of the new facility being operational, or at the most practicable time during construction, install a total of two Schwegler 1SP Sparrow terraces within new properties on site. Sparrow nest boxes should be sited within a north or east facing elevation at a height of at least 3 m.

**REASON:** In order to protect foraging badgers during construction works and enhance bird nesting facilities in accordance with policy EN5 of the East Devon Local Plan (2013-2031 – Adopted January 2016).

#### **NOISE MITIGATION MEASURES**

4. The site shall not become operational until the physical mitigations measures as outlined on page 35 the approved Noise Impact Assessment, dated January 2016, are implemented to the satisfaction of the Waste Planning Authority.

**REASON:** To protect the living conditions of nearby residents in accordance with policy EN14 of the East Devon Local Plan (2013-2031 – Adopted January 2016) and Policy W18 of the Devon Waste Plan (Adopted December 2014).

#### **PRE-COMMENCEMENT**

#### **CONTAMINATION STRATEGY**

5. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Waste Planning Authority:

- A) A preliminary risk assessment which has identified:
- (i) All previous uses
  - (ii) Potential contaminants associated with those uses
  - (iii) A conceptual model of the site indicating sources, pathways and receptors
  - (iv) Potentially unacceptable risks arising from contamination at the site.
- B) A site investigation scheme, based on (A) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C) The results of the site investigation and detailed risk assessment referred to in (B) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- Dbar) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. Reason National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**REASON:** To minimise the risks associated with ground contamination in accordance with policy EN16 of the East Devon Local Plan (2013-2031 – Adopted January 2016).

### **REMEDIATION STRATEGY**

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. Reasons National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

**REASON:** To minimise the risks associated with ground contamination in accordance with policy EN16 of the East Devon Local Plan (2013-2031 – Adopted January 2016).

### **OPERATIONAL**

#### **HOURS OF OPERATION**

7. The following hours of operation shall apply to activities at the application site:
- (i) No waste processing operations shall take place outside of the building during the night time hours defined as 1800 to 0600.
  - (ii) Vehicles shall leave the site only between the hours of 0600 to 1700 Mondays to Fridays and 0600 to 1300 hours on Saturdays.
  - (iii) Deliveries of waste to the site shall only take place during the hours of 0730 to 1700 Mondays to Fridays and 0730 to 1300 hours on Saturdays.
  - (iv) Except as may be required in the case of an emergency there shall be no waste activities taking place at the site (including the processing of waste, deliveries of waste and waste collection vehicles leaving the site) on Saturday afternoons after 1300 hours and on Sundays or public holidays.

**REASON:** To protect the living conditions of nearby residents in accordance with policy EN14 of the East Devon Local Plan (2013-2031 – Adopted January 2016).



### **Operational Mitigation**

8. The site shall be operated in strict accordance with the accordance with the Operational Mitigation Measures recommendations set out on page 35 of the submitted Noise Impact Assessment dated January 2016.

The scheme shall be reviewed from the date of this permission every year or when additional plant is installed or any change in process occurs. A copy of any revised scheme produced shall be submitted to the Waste Planning Authority for approval within 14 days of being completed.

**REASON:** To minimise the effect on the living conditions of local residents in accordance with policy EN14 of the East Devon Local Plan (2013-2031 – Adopted January 2016) and Policy W18 of the Devon Waste Plan (Adopted December 2014).

### **INFORMATIVE NOTE**

#### **Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.